

## **REMARKS**

Claims 1 – 8 and 17 – 26 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

At the outset, Applicant notes that claims 9 – 16 have been cancelled without prejudice or disclaimer of the subject-matter contained therein.

## **SPECIFICATION**

The specification stands objected to for certain informalities. Applicants have amended the specification according to the Examiner's suggestions. Therefore, reconsideration and withdrawal of this objection are respectfully requested.

## **REJECTION UNDER 35 U.S.C. § 102**

Claims 1 – 3 and 17 – 19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Imaseki et al. (U.S. Pat. App. Pub. No. 2002/0061426). This rejection is respectfully traversed.

As amended herein, claims 1 and 17 each provide that the first fluid circuit functions to regulate a temperature of a fuel cell stack and that the second fluid circuit functions to regulate a temperature of an electrical load of the fuel cell system, wherein a fluid is transferred from the first fluid reservoir to the second fluid reservoir during an over-pressure condition within the first fluid circuit. Imaseki fails to teach or suggest a second fluid circuit that functions to regulate a temperature of an electrical load of a fuel cell system, wherein a fluid is transferred from a first fluid reservoir of a first fluid circuit

to a second fluid reservoir of the second fluid circuit during an over-pressure condition within the first fluid circuit.

Imaseki discloses a cooling system 1 for a fuel cell 2 that includes a primary coolant circulating path 4 and a secondary coolant circulating path 5. The primary and secondary coolant circulating paths 4, 5 are in heat exchange relationship via a heat exchanger 7, but are not in direct fluid connection. That is to say that the fluid in one circulating path cannot be transferred to the other circulating path. The primary coolant circulating path 4 functions to regulate a temperature of the fuel cell 2 and the secondary coolant circulating path 5 functions to regulate a temperature of the coolant within the primary coolant circulating path 4 (see Paragraph [0057]).

The primary coolant circulating path 4 further includes a vapor separator 13, a tank 15 and a pressure valve 17 (see Paragraphs [0059] and [0062]). The vapor is separated from the cooling fluid by the vapor-fluid separator 13 and flows to the tank 15. The pressure valve 17 vents the separated vapor to atmosphere as the vapor pressure in the tank 15 increases. In this manner, the vapor-fluid separator 13, the tank 15 and the corresponding venting and cooling paths 14, 16, respectively, function as a vent.

Accordingly, the vapor-fluid separator 13, the tank 15 and the corresponding venting and cooling paths 14, 16 do not define a second fluid circuit. Furthermore, the vapor-fluid separator 13, the tank 15 and the corresponding venting and cooling paths 14, 16 do not function to regulate a temperature of an electrical load of the fuel cell system.

In view of the foregoing, Imaseki fails to teach or suggest a second fluid circuit that functions to regulate a temperature of an electrical load of a fuel cell system,

wherein a fluid is transferred from a first fluid reservoir of a first fluid circuit to a second fluid reservoir of the second fluid circuit during an over-pressure condition within the first fluid circuit. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

Applicant notes that each of claims 2, 3, 18 and 19 ultimately depends from one of claims 1 and 17, which define over the prior art, as discussed in detail above. Therefore, each of claims 2, 3, 18 and 19 also defines over the prior art for at least the same reasons, and reconsideration and withdrawal of the rejections are respectfully requested.

#### **REJECTION UNDER 35 U.S.C. § 103**

Claims 4 – 7 and 20 – 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Imaseki et al. (U.S. Pat. App. Pub. No. 2006/0061426) in view of Corcoran (U.S. Pat. App. Pub. No. 2003/0192315). This rejection is respectfully traversed.

Applicant notes that each of claims 4 – 7 and 20 – 23 ultimately depends from one of claims 1 and 17, which define over the prior art, as discussed in detail above. Therefore, each of claims 4 – 7 and 20 – 23 also defines over the prior art for at least the same reasons, and reconsideration and withdrawal of the rejections are respectfully requested.

Claims 8, 24 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Imaseki et al. (U.S. Pat. App. Pub. No. 2006/0061426) in view of

Wells et al. (U.S. Pat. App. Pub. No. 2003/0022045). This rejection is respectfully traversed.

Applicant notes that each of claims 8, 24 and 25 ultimately depends from one of claims 1 and 17, which define over the prior art, as discussed in detail above. Therefore, each of claims 8, 24 and 25 also defines over the prior art for at least the same reasons, and reconsideration and withdrawal of the rejections are respectfully requested.

Claim 26 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Imaseki et al. (U.S. Pat. App. Pub. No. 2006/0061426) in view of Perry (U.S. Pat. No. 6,391,485). This rejection is respectfully traversed.

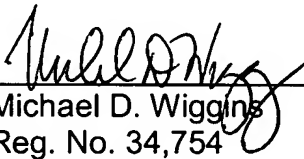
Applicant notes that claim 26 ultimately depends from claim 17, which defines over the prior art, as discussed in detail above. Therefore, claim 26 also defines over the prior art for at least the same reasons, and reconsideration and withdrawal of the rejections are respectfully requested.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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